



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

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July 17, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *CPT for DTB*
Assistant Attorney General

SUBJECT: Weekly Report for July 16, 2001- July 27, 2001

NEXT WEEK

Department of Justice Authorization Act (HR 2215): Pending legislation that would formally authorize the activities of the Department may be brought up on the House floor the week of July 23. (We previously thought it might come up this week but scheduling conflicts prevented this from occurring.) We have been working with the components and OMB to clear a Department views letter on this legislation and to submit it to Congress before the bill is considered by the House. We expect the bill to be brought under suspension of the rules, with one comprehensive manager's amendment. We hope that our views, once issued, will be incorporated in this amendment. (Owen)

Adnet: A hearing on Adnet (the Anti-Drug Network) as an example of interagency electronic data-sharing and the impact of data sharing on national security, with Deputy Assistant Attorney General Bruce Swartz as the Department's witness, is scheduled for July 24. (Walter)

Supreme Court Decision: On Monday, July 23, staff from the Office of the Deputy Attorney General and OLA will meet with the House Immigration Subcommittee to discuss the interpretation of the Supreme Court's recent decision of judicial review on immigration matters. (D. Burton)

THIS WEEK

FBI Whistleblowers: On July 18, 2001, the Senate Judiciary Committee will hold an oversight hearing, entitled "Reforming FBI Management: The Views from Inside and Out," which will include testimony from two FBI management officials and four FBI employees, who will be presented a

whistleblowers. One of them was the principal author of a report suggesting that there is a disparity, or double standard, in the Bureau's response to allegations of misconduct involving senior managers and those involving line agents. We have provided access to a variety of documents relative to the hearing pursuant to an agreement that prohibits the Committee's disclosure of the documents and their contents. We anticipate further discussions with Committee staff this week about how they can use the information contained in the documents at their hearing. (F. Burton)

Nominations: A hearing before the Senate Judiciary Committee on the nomination of Representative Asa Hutchinson, to be Administrator of DEA, took place on July 17. The nominee has been meeting with members of the Committee this week in preparation for the hearing. Robert Mueller, the intended nominee to be Director of the FBI, has had courtesy visits with members of the Senate Judiciary Committee this week as well. We anticipate that once his nomination goes forward, the hearing will be set for the week of July 23. On Wednesday, July 18, the Committee will hold a hearing on the nomination of James Ziglar to be INS Commissioner. (Scott-Finan)

Charitable Choice: The House of Representatives will consider H.R. 7 on the House Floor on Wednesday, July 18. We have been working extensively with the House leadership and the various committee staffs to provide technical guidance. (Owen)

Flag Burning: An amendment to allow Congress to prohibit the physical desecration of the American Flag will be considered on the House Floor on Tuesday, July 17. The Administration has issued a statement in support of passage. (Owen)

Extradition: On July 16, 2001, representatives of the Criminal Division and OLA briefed staff of the Criminal Justice Subcommittee of the House Committee on Government Reform on the status of the extradition of Ira Einhorn from France to stand trial for murder in state court in Pennsylvania. (Tanner)

Money Laundering: On July 18, 2001, the Senate Government Affairs Permanent Subcommittee on Investigations will conduct a hearing on efforts by the Organization for Economic Cooperation and Development to eliminate illegal tax havens. Criminal Division Assistant Attorney General Michael Chertoff will testify concerning money laundering through such illegal tax havens. Secretary O'Neill will be a witness on behalf of the Department of Treasury. The House Financial Services Committee has requested a briefing on money laundering and the capture of Vladimiro Montecinos of Peru. (Tanner)

Yemen: A representative from the FBI briefed Senate Foreign Relations Committee staff on the withdrawal in June from Yemen of the FBI investigative team on the U.S.S. Cole bombing. A similar briefing for House International Relations Committee staff is scheduled for July 18. (Walter)

Halfway Houses: The House D.C. Subcommittee (Morella, Chair) will hold a hearing on

halfway houses in the District of Columbia on July 20. U.S. Parole Commission Chair Ed Reilly will testify, as will a representative of the Bureau of Prisons. (Scott-Finan)

Born-Alive Infants: On Wednesday, July 18, the House Judiciary Committee expects to hold a markup of H.R. 2175, introduced by Representative Chabot. (D. Burton)

Racial Profiling: On July 19, the House Government Reform Committee will hold a hearing on the use of technology to prevent racial profiling. Assistant Attorney General for Office of Legal Policy Viet Dinh will testify. He will be accompanied by David Boyd, Assistant Director of the National Institute of Justice.

Refugee Status for Vietnamese Refugees: The week of July 16, the House Judiciary Committee plans to markup legislation which would extend the eligibility for refugee status for unmarried children of certain Vietnamese refugees. Staff from DOJ and state are working with the committee and Representative Tom Davis, the bill's sponsor, on possible technical amendments. (D. Burton)

Asset Forfeiture: The House Financial Services Committee has requested a briefing on the use of criminal forfeiture in counterfeiting cases. (Tanner)

Financial Services: On July 16, the FBI and OLA briefed members of the staff from the House Financial Services Committee on insurance fraud. We anticipate a future hearing on the subject matter. (Coughlin)

American Servicemembers Protection Act: On Friday July 13, 2001, representatives of the National Security Council, State, Defense and OLA met with House International Relations minority staff to hear their views concerning the American Servicemembers Protection Act, which has passed the House as part of H.R. 1646, the Foreign Relations Authorization Act; and earlier meeting of which we were not notified had been held by State and Defense with majority staff. On Friday, July 20, 2001, we expect to meet with and brief Senate Foreign Relations majority and minority staff. OLC will attend. [REDACTED] (Tanner)

FOIA EXEMPTION (b)(5)

Census and Immigration: On Thursday, July 19, the House Immigration Subcommittee will hold a hearing on how Immigration has affected U.S. population numbers. (D. Burton)

Extension of Section 245(i): On Thursday, July 19, the Senate Judiciary Committee is expected to markup S. 778, introduced by Senator Hagel, which would extend section 245(i) for one year from April 30, 2001 to April 30, 2002. There are no amendments expected. (D. Burton)

LAST WEEK

FBI Oversight: Last week, we provided the Senate Judiciary Committee with documents responsive to their multi-faceted request regarding the FBI. These will include records regarding the background investigations of former Special Agent Hanssen as well as material relating to our indictments of former FBI informants and a former FBI Special Agent. This week, we expect to confer further with House Government Reform Committee staff about the status of their document request, which related primarily to the FBI's handling of informants in Boston. (F. Burton)

Internet Privacy: The Senate Commerce Committee held a heavily attended hearing on Internet Privacy on Wednesday, July 11. No administration witness testified. Senator Hollings indicated that he planned to introduce significant legislation on Internet privacy this year. Also, the House Judiciary Committee held a hearing on privacy and anonymity related to the ICANN domain name registration system. (Owen)

Eco-terrorism: On July 11, the FBI briefed Congressman Nethercutt's staff on ongoing efforts to combat eco-terrorism. The FBI and OLA staff coordinated the briefing. (Coughlin)

International Counter Terrorism Training: On July 12, the FBI briefed the House National Security Subcommittee on international counter-terrorism training. OLA coordinated the briefing. (Coughlin)

Pardons and Parole: Last week, we provided Parole Commission and FBI documents in response to requests from the House Committee on Government Reform relating to unsuccessful efforts by Roger Clinton to obtain parole for Rosario Gambino, who is serving a lengthy prison term for drug related felonies, and another inmate, John Ballis. This week, the Parole Commission General Counsel, Michael Stover, will be interviewed by Committee staff about advice he provided to the Commission regarding the propriety of their contacts with Roger Clinton.

We also expect to arrange for the Committee staff to interview a supervisory DEA agent, who participated in investigations of pardoned drug dealer Carlos Vignali and his father, Horatio Vignali. The staff believe that the investigative information showing the Vignalis' relationship with another drug dealer should be imputed to former United States Attorney Alejandro Mayorkas, who, during the clemency review process, communicated his view that Carlos Vignali came from a respectable family. (F. Burton)

Wen Ho Lee -- Bellows Report Declassification: Declassified copies of this report were delivered to the Senate Judiciary Committee majority and minority staffs and to the Senate and House Intelligence Committees on July 12. The Committees have had copies of the classified version in secure facilities on the Hill since mid-2000; this version will make it possible for uncleared staff to review it on behalf of their members with the understanding it will be used for

Committee purposes only. The report is still undergoing review for privacy and other Freedom of Information Act issues before it is released publicly. (Walter)

FBI Whistleblowers: On July 11, 2001, Senate Judiciary Committee requested extensive documents about FBI whistleblower complaints and other allegations of misconduct, including the reports on Ruby Ridge and Waco. The documents requested all pertain to the Committee's July 18th hearing, entitled "Reforming FBI Management: The views from Inside and Out." On July 14, 2001, the Department provided a significant portion of the material to the Committee staff pursuant to an agreement whereby the documents and the information they contain will not be disclosed and they will be returned to the Department on July 17, 2001, in advance of the hearing. The agreement was predicated upon the substantial privacy interests of individuals who are mentioned in the documents, some of whom were accused of misconduct that was later determined to be unsupported. The Committee staff advised that the hearing witnesses, who filed most of the whistleblower complaints requested by the Committee, did not object to our provision of the documents. We are continuing to prepare information for the Committee in preparation for the hearing. (F. Burton)

Espionage Prosecutions--Hanssen: Robert Hanssen pled guilty to espionage in the Eastern District of Virginia on Friday, July 6. Criminal Division Deputy Assistant Attorney General Bruce Swartz and Internal Security Section Chief John Dion, joined by representatives from the FBI, briefed Senate Intelligence and Judiciary Committee staff that same day. House Intelligence Committee staff were briefed on July 10 and a briefing for the Members of that Committee took place on July 11. Another briefing for Senate Intelligence Committee staff on the case's status is scheduled for July 17. Copies of the plea agreement and accompanying court documents were hand delivered on July 6 to the majority and minority staffs of the Senate and House Intelligence Committees and Senate and House Judiciary Committees. (Walter)

Drugs: On July 12, 2001, the House Committee on Government Reform conducted a hearing on Methamphetamine. Joseph D. Keefe, DEA Chief of Operations, testified. (Tanner)

Mexico Migration Working Group: Staff from DOJ and State briefed the House Immigration Reform Caucus on Thursday, July 12, and the Hispanic Caucus on Friday, July 13. (D. Burton)

FBI Computer Systems--Trilogy: On July 13, the FBI briefed Senate Judiciary Committee staff on the FBI's plans to modernize its computer systems and enhance the system's security features. A similar briefing for House Intelligence Committee staff is being scheduled. The Senate Judiciary Committee majority staff. (Walter)

Mark Middleton: Last week, representatives from the Department's Criminal Division and OLA staff briefed staff from the House Committee on Government Reform about the Department's declination decisions regarding Mark Middleton in order to accommodate their information needs without

providing sensitive deliberative documents regarding those decisions. One representative, Michael Horowitz, concluded his presentation by noting that he had provided the staff with virtually all of the information from the declination memorandum as well as additional information from the file that the memorandum did not contain. We hope that this will constitute the new Administration's policy and practice in response to oversight inquiries about prosecutorial decision-making in individual cases. We will provide additional information in response to questions that arose during the briefing. (F. Burton)